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**From:** ROGER D. STARNES <MABLEDSE@infoave.net>  
**To:** A7.A7(NETMSGGS)  
**Date:** Mon, Nov 2, 1998 9:23 PM  
**Subject:** Comments to Commissioner Ness

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

ROGER D. STARNES (MABLEDSE@infoave.net) writes:

Dear Commissioner:

I am sending this in response to issues addressed in a news article I recently read regarding the FCC cable Internet hearings. I have included related excerpts from that article at the end of this e-mail.

With regards to the on going AT&T and Tele-Communications Inc. merger, I oppose the imposition of FCC regulations that would govern use of the merged companies' high-speed cable Internet access.

I do not believe the FCC should take steps to require that AT&T/TCI separate their high-speed cable Internet access from At Home or their other services, as has been demanded of you by the online service companies America Online Inc. (AOL) and MindSpring Enterprises Inc.

Is this not the United States of America? Have I somehow missed something recently? Did we somehow, in the not too distant past, get levitated to a communistic society where capitalism and its competitive nature is no longer permitted.

I believe (at least I sure hope) each of you were required to take an oath prior to assuming office which included words demanding that you support and defend the Constitution of The United States of America. (If this was not required of you, please notify me via e-mail so that I can lobby to have this made a requirement.) You folks are in a mighty powerful position. The decisions you make must be based on constitutional authority, not on "I think this is the right thing for all concerned."

It seems that on a weekly basis we become aware of new areas in which our federal government is attempting to be the "champion" of the "little guy" (or, in the case of AOL, the "big guy.") Don't get me wrong, there absolutely is nothing wrong with our government becoming involved in matters where companies have clearly been wronged because other companies have participated in illegal trade practices; and, to then impose regulations that both protect the wronged companies as well as to "level the playing field."

And that Commissioner, is where the FCC, and other federal commissions, must be very careful. At what point are your rulings no longer offering companies protection from unfair trade practices, but instead are actually PROVIDING THEM A FREE RIDE ON SOMEONE ELSE'S HARD WORK AND ENTERPRISE!

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Obviously in the past, AOL and the other Internet Service Providers either did not see a need to, or did not have a desire to, spend R&D moneys in search of a \*high speed¶ Internet connection. On the contrary, they either remained happy and content with the status quo or were betting their companies continued future success on Digital Subscriber Line or Asymmetrical Digital Subscriber Line technologies. (Who knows, maybe management in those ISP's were never savvy to the role cable would play in solving the Internet bandwidth problem. Maybe the people they hired in their R&D departments were incapable of understanding the role cable would play in solving this immense Internet problem.)

On the other hand, At Home's founding personnel saw an opportunity to build a company that would offer a solution to the Internet bandwidth problem. They hired personnel who clearly understood the cable solution. This group of individuals in essence took the bull by the horns and through entrepreneurial hard work and the spending of tons of PRIVATE money developed a PRIVATIZED, nationwide, high-speed Internet backbone and its associated ISP system. Additionally, they marketed their service aggressively and locked in some impressive \*deals¶ for its deliverance.

Now that At Home's service is gaining nationwide attention, AOL and the other ISP's see the \*error of their ways,¶ and realize they may find themselves playing second fiddle to cable ISP companies (sounds like COMPETITION to me). Suddenly finding themselves without a system in place that can compete with high-speed cable, they come to the federal government telling of how the American public is going to be hurt if the current copper online ISP's are not permitted access to this new technology. They are hoping you will side with them and impose federal regulations or, as I mentioned earlier, grant them THAT FREE RIDE ON SOMEONE ELSE'S HARD WORK AND ENTERPRISE.

As we all know, local phone companies and cable companies are \*regulated¶ monopolies. As such, their price is controlled by regulators in exchange for their \*being allowed¶ a monopoly status. An ATHM monopoly of Internet access is only the vaguest possibility for those with the wildest imaginations. Even with cable, there will remain \*many¶ ways to access the Internet. I hope that you, as a regulator, will not act on the faint possibility of a future monopoly, that might manifest itself someday.

I hope you have garnered my message that America, capitalism, and competition all go hand in hand. And that Regulation imposed on free enterprise for sake of a perceived \*unfairness¶ is nothing but socialism.

When the rains come and the river overflows its banks and all the houses in the area are flooded, because my neighbors complain that I was the only homeowner who had the foresight to build his house on stilts would not give the government the right to step in and make me pay

to have all the other houses elevated to the same height as mine.

Unfortunately, after having watched my government in action these last six years, I am concerned that what I just described could come to fruition. I also am convinced that in today's society nature is politically incorrect. The story of the ant and the grasshopper must be \*politically¶ updated to match the obviously misguided morals of today's society. Even though the grasshopper frolicked all summer, instead of working, today the poor ant would be severely chastised for failing to share his/her \*hard earned¶, stored food and wealth with the grasshopper. There is no doubt in my mind that the 1998 version of this story would depict the ant as a \*fat cat¶ who only cared about him/herself and it would have the federal government involved in helping the grasshopper because he/she is underprivileged.

If you acquiesce to AOL and the other online ISP's demands, you will be doing those exact things I alluded to above. In essence you would be saying that the Constitution allows for federal protection to businesses that would guarantee their current earning levels even if through faults of their own they failed to keep pace with technology. Further you would be sending a message to all entrepreneurs saying \*Go ahead, live the American dream and build your business. But be forewarned, after you have it built, the federal government could step in and impose regulations that would open up for use to your most fierce competitor your business model, to include your most proprietary forms of hardware, software, and policies. A very dangerous precedence.

Hopefully your decision regarding the AT&T/TCI high-speed Internet issue will not change the old business saying of: \*Build a better mouse trap and the world will beat a path to your door.¶

Thank you for taking time to read my input to the Commissions discussion on this issue. Below you will find the extracts from the article.

Respectfully  
ROGER D. STARNES (MABLEDSE@infoave.net)

Local and long-distance telephone companies on Friday asked federal regulators to impose strict conditions on the proposed \$48 billion merger of AT&T Corp. and cable television giant Tele-Communications Inc.....Online service companies America Online Inc. (NYSE:AOL - news) and MindSpring Enterprises Inc. (Nasdaq:MSPG - news) asked regulators to require separation of high-speed cable Internet access from At Home or other TCI-AT&T services.....MCI WorldCom and others said TCI should be required to offer its customers high-speed Internet access over cable without also requiring those customers to buy its Internet service At Home.

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Server protocol: HTTP/1.0  
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Remote IP address: 204.116.62.205